

“(7) COMPENSATION.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate received by members of other national advisory councils established under this title.

“(c) REQUIREMENTS FOR GRANTS.—

“(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

“(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

“(B) The applicant provides assurances satisfactory to the Director that—

“(i) for not less than 20 years after completion of the construction involved, the facility will be used for the purposes of the research for which it is to be constructed;

“(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

“(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

“(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

“(C) The applicant meets reasonable qualifications established by the Director with respect to—

“(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

“(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

“(iii) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

“(iv) the age and condition of existing research facilities.

“(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

“(2) INSTITUTIONS OF EMERGING EXCELLENCE.—From the amount appropriated under subsection (i) for a fiscal year up to \$50,000,000, the Director of the Center shall make available 25 percent of such amount, and from the amount appropriated under such subsection for a fiscal year that is over \$50,000,000, the Director of the Center shall make available up to 25 percent of such amount, for grants under subsection (a) to applicants that in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

“(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

“(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

“(C) The applicant has been productive in research or research development and training.

“(D) The applicant—

“(i) has been designated as a center of excellence under section 739;

“(ii) is located in a geographic area whose population includes a significant number of individuals with health status deficit, and the applicant provides health services to such individuals; or

“(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect the health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

“(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

“(e) AMOUNT OF GRANT; PAYMENTS.—

“(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

“(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

“(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

“(2) RESERVATION OF AMOUNTS.—On the approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available for such grants, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

“(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

“(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

“(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

“(4) WAIVER OF LIMITATIONS.—The limitations imposed under paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in subsection (c).

“(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

“(1) the applicant or other owner of the facility shall cease to be a public or non profit private entity; or

“(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

“(g) GUIDELINES.—Not later than 6 months after the date of the enactment of this sec-

tion, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

“(h) REPORT TO CONGRESS.—The Director of the Center shall prepare and submit to the appropriate committees of Congress a biennial report concerning the status of the biomedical and behavioral research facilities and the availability and condition of technologically sophisticated laboratory equipment in the United States. Such reports shall be developed in concert with the report prepared by the National Science Foundation on the needs of research facilities of universities as required under section 108 of the National Science Foundation Authorization Act for Fiscal Year 1986 (42 U.S.C. 1886).

“(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$250,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.”

SEC. 4. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTERS.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a-3(a)) is amended by striking “1994” and all that follows through “\$5,000,000” and inserting “2000 through 2002, reserve from the amounts appropriated under section 481A(i) such sums as necessary”.

SEC. 5. SHARED INSTRUMENTATION GRANT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$100,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year, to enable the Secretary of Health and Human Services, acting through the Director of the National Center for Research Resources, to provide for the continued operation of the Shared Instrumentation Grant Program (initiated in fiscal year 1992 under the authority of section 479 of the Public Health Service Act (42 U.S.C. 287 et seq.)).

(b) REQUIREMENTS FOR GRANTS.—In determining whether to award a grant to an applicant under the program described in subsection (a), the Director of the National Center for Research Resources shall consider—

(1) the extent to which an award for the specific instrument involved would meet the scientific needs and enhance the planned research endeavors of the major users by providing an instrument that is unavailable or to which availability is highly limited;

(2) with respect to the instrument involved, the availability and commitment of the appropriate technical expertise within the major user group or the applicant institution for use of the instrumentation;

(3) the adequacy of the organizational plan for the use of the instrument involved and the internal advisory committee for oversight of the applicant, including sharing arrangements if any;

(4) the applicant's commitment for continued support of the utilization and maintenance of the instrument; and

(5) the extent to which the specified instrument will be shared and the benefit of the proposed instrument to the overall research community to be served.

(c) PEER REVIEW.—In awarding grants under the program described in subsection (a) Director of the National Center for Research Resources shall comply with the peer review requirements in section 492 of the Public Health Service Act (42 U.S.C. 289a).

AMENDING THE PUBLIC HEALTH SERVICE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the HELP

Committee be discharged from further consideration of S. 1243, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1243) to amend the Public Health Service Act to revise and extend the prostate cancer preventive health program.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

The bill (S. 1243) was read the third time and passed, as follows:

S. 1243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prostate Cancer Research and Prevention Act".

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) PREVENTIVE HEALTH MEASURES.—Section 317D of the Public Health Service Act (42 U.S.C. 247b-5) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States and local health departments for the purpose of enabling such States and departments to carry out programs that may include the following:

"(1) To identify factors that influence the attitudes or levels of awareness of men and health care practitioners regarding screening for prostate cancer.

"(2) To evaluate, in consultation with the Agency for Health Care Policy and Research and the National Institutes of Health, the effectiveness of screening strategies for prostate cancer.

"(3) To identify, in consultation with the Agency for Health Care Policy and Research, issues related to the quality of life for men after prostate cancer screening and followup.

"(4) To develop and disseminate public information and education programs for prostate cancer, including appropriate messages about the risks and benefits of prostate cancer screening for the general public, health care providers, policy makers and other appropriate individuals.

"(5) To improve surveillance for prostate cancer.

"(6) To address the needs of underserved and minority populations regarding prostate cancer.

"(7) Upon a determination by the Secretary, who shall take into consideration recommendations by the United States Preventive Services Task Force and shall seek input, where appropriate, from professional societies and other private and public entities, that there is sufficient consensus on the effectiveness of prostate cancer screening—

"(A) to screen men for prostate cancer as a preventive health measure;

"(B) to provide appropriate referrals for the medical treatment of men who have been screened under subparagraph (A) and to ensure, to the extent practicable, the provision

of appropriate followup services and support services such as case management;

"(C) to establish mechanisms through which State and local health departments can monitor the quality of screening procedures for prostate cancer, including the interpretation of such procedures; and

"(D) to improve, in consultation with the Health Resources and Services Administration, the education, training, and skills of health practitioners (including appropriate allied health professionals) in the detection and control of prostate cancer.

"(8) To evaluate activities conducted under paragraphs (1) through (7) through appropriate surveillance or program monitoring activities.";

(2) in subsection (1)(1), by striking "1998" and inserting "2004".

(b) NATIONAL INSTITUTES OF HEALTH.—Section 417B(c) of the Public Health Service Act (42 U.S.C. 286a-8(c)) is amended by striking "and 1996" and inserting "through 2004".

MAKING A TECHNICAL CORRECTION

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H. Con. Res. 239, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 239) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3194.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 239) was agreed to.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2886, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2886) to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2886) was read the third time and passed.

AMENDING TITLE 18, UNITED STATES CODE

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of H.R. 1887, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1887) to amend title 18, United States Code, to punish the depiction of animal cruelty.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. Mr. President, today, I rise in strong support of H.R. 1887, legislation that overwhelmingly passed the House to ban interstate commerce in videos depicting acts of cruelty against animals. Specifically, this legislation would ban the interstate shipment of videos that record women, often wearing stiletto heeled shoes, slowly crushing live animals to death. Animal victims include hamsters, kittens, puppies, and even monkeys. Viewers purchase these videos for \$15 to \$300 and apparently derive some sexual gratification from watching these horrifying act of animal cruelty.

The Humane Society of the United States, which brought this issue to the attention of law enforcement agencies, has discovered that there are more than 2,000 video titles that include crushing. One such business in California has labeled itself Steponit.

I really have never heard of more bizarre, more perverse, and more sickening acts than this. This goes way beyond the bounds of even of our most wild imaginations.

The people in this industry should face serious penalties for their sick acts of cruelty. Fines and jail time are appropriate societal responses.

State anti-cruelty statutes are not adequate in addressing this problem. It has been difficult for enforcement agents to determine when the practice occurred, where it occurred, and who has been involved, since feet and the crushing of the animals are the only images on the video.

Here is a case where a restriction on interstate commerce in these products—in the age of the Internet, which facilitates this trade—is absolutely necessary. We have to stop the purveyors of this filth, indecency and cruelty.

This is not the harmless act of few people out of the mainstream. This is an extreme antisocial act, where innocent animals are harmed for the profits of producers and the mere sexual gratification of viewers.

In addition to the harm that the animals endure, there is an additional reason to crack down on this industry. There is a well-established link between acts of violence against animals and later acts of violence perpetrated against people. People sometimes rehearse their violence on animals before turning their violent intentions against people. The FBI and other law